

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BEVERLY PIZZURRO

vs.

HMS HOST FOUNDATIONS, INC.,  
HMS HOST FAMILY  
RESTAURANTS, INC., and  
HMS CORPORATION

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CIVIL CASE NO. \_\_\_\_\_

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NOTICE OF REMOVAL

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Pursuant to 28 U.S.C. §§ 1441 and 1446, HMSHost Foundation, Inc. (incorrectly named herein as “HMS Host Foundations, Inc.”), HMS Host Family Restaurants, Inc., and HMSHost Corporation (incorrectly named herein as HMS Corporation) (hereinafter collectively referred to as “Defendants”), by and through their counsel of record, Timothy U. Stanford, DOWNS & STANFORD, P.C., hereby file this Notice of Removal from the 95th Judicial District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division. In support of its Notice of Removal, Defendant states as follows:

**NATURE OF THE CASE**

1. The removed case is a civil action, initially filed on July 8, 2021 by Beverly Pizzurro (“Plaintiff”) in the 95th Judicial District Court of Dallas County, Texas entitled *Beverly Pizzurro, Plaintiff, vs. HMS Host Foundations, Inc., HMS Host Family Restaurants, Inc., and HMS Corporation, Defendants*.
2. On July 20, 2021, HMS Host Foundations, Inc. was served with a summons and a copy of Plaintiff’s Original Petition (“Petition”), which is attached to this Notice of Removal.

3. On July 20, 2021, HMS Host Family Restaurants, Inc. was served with a summons and a copy of Plaintiff's Original Petition ("Petition"), which is attached to this Notice of Removal.

4. On July 20, 2021, HMS Corporation, Inc. was served with a summons and a copy of Plaintiff's Original Petition ("Petition"), which is attached to this Notice of Removal.

5. In Section IV of her Petition, Plaintiff alleges that she suffered personal injuries due to an incident that occurred on October 24, 2019. Plaintiff alleges claims against Defendants of premises liability, negligence, negligence per se and/or gross negligence (Petition, ¶ 16).

### **BASIS FOR FEDERAL JURISDICTION**

6. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has original diversity jurisdiction over this matter. Under that section, this Court has original diversity jurisdiction over any action in which (1) the amount in controversy exceeds \$75,000.00, exclusive of interests and costs; and (2) is between citizens of different states.

7. There is diversity of citizenship between Plaintiff, who is a citizen and resident of Texas (Petition ¶ 2) and Defendants. Specifically, Defendants HMSHost Foundation, Inc. and HMS Host Family Restaurants, Inc. are Maryland corporations with their principal place of business in Maryland. Defendant HMSHost Corporation is a Delaware corporation with its principal place of business in Maryland.

8. HMSHost Foundation, Inc. was incorporated in the state of Maryland on July 10, 2015. The corporate office and principal place of business for HMSHost Foundation, Inc. is 6905 Rockledge Drive, Bethesda, Maryland 20817. HMSHost Foundation, Inc.'s corporate office and principal place of business have continuously been located at that address since its incorporation on July 10, 2015. HMSHost Foundation, Inc.'s President and officers have operated out of 6905 Rockledge Drive, Bethesda, Maryland 20817 since July 10, 2015. The nationwide activities of

HMSHost Foundation, Inc. are directed, controlled, and coordinated at and through the corporate office. Material decisions involving HMSHost Foundation, Inc. are made by the officers of the corporation at 6905 Rockledge Drive, Bethesda, Maryland 20817. The office that is located at 6905 Rockledge Drive, Bethesda, Maryland 20817 is considered to be the “headquarters” of HMSHost Foundation, Inc. and has been considered to be the “headquarters” since the incorporation of HMSHost Foundation, Inc. on July 10, 2015. HMSHost Foundation, Inc. has no other offices anywhere outside of the headquarters located at 6905 Rockledge Drive, Bethesda, Maryland 20817.

9. HMS Host Family Restaurants, Inc. was incorporated in the state of Maryland on October 17, 1979. The corporate office and principal place of business for HMS Host Family Restaurants, Inc. is 6905 Rockledge Drive, Bethesda, Maryland 20817. HMS Host Family Restaurants, Inc.’s corporate office and principal place of business have continuously been located in Bethesda, Maryland since its incorporation on October 17, 1979. HMS Host Family Restaurants, Inc.’s President and officers have operated out of 6905 Rockledge Drive, Bethesda, Maryland 20817 since 2007. Previously, HMS Host Family Restaurants, Inc.’s President and officers operated out of 6600 Rockledge Drive, Bethesda, Maryland 20817 since the year 2000. Prior to that, HMS Host Family Restaurants, Inc. was a Marriott subsidiary whose President and officers operated out of Marriott Corporate Headquarters located at 10400 Fernwood Road, Bethesda, Maryland 20817. The nationwide activities of HMS Host Family Restaurants, Inc. are directed, controlled, and coordinated at and through the corporate office. Material decisions involving HMS Host Family Restaurants, Inc. are made by the officers of the corporation at 6905 Rockledge Drive, Bethesda, Maryland 20817. The office that is located at 6905 Rockledge Drive, Bethesda, Maryland 20817 is considered to be the “headquarters” of HMS Host Family Restaurants, Inc. and has been

considered to be the “headquarters” since the relocation from 6600 Rockledge Drive, Bethesda, Maryland 20817 of HMS Host Family Restaurants, Inc. in 2007.

10. HMSHost Corporation was incorporated in the state of Delaware on July 28, 1985. The corporate office and principal place of business for HMSHost Corporation is 6905 Rockledge Drive, Bethesda, Maryland 20817. HMSHost Corporation’s corporate office and principal place of business have continuously been located in Bethesda, Maryland since its incorporation on July 28, 1995. HMSHost Corporation’s President and officers have operated out of 6905 Rockledge Drive, Bethesda, Maryland 20817 since 2007. Previously, HMSHost Corporation’s President and officers operated out of 6600 Rockledge Drive, Bethesda, Maryland 20817 since the year 2000. Prior to that, HMSHost Corporation was a Marriott subsidiary whose President and officers operated out of Marriott Corporate Headquarters located at 10400 Fernwood Road, Bethesda, Maryland 20817. The nationwide activities of HMSHost Corporation are directed, controlled, and coordinated at and through the corporate office. Material decisions involving HMSHost Corporation are made by the officers of the corporation at 6905 Rockledge Drive, Bethesda, Maryland 20817. The office that is located at 6905 Rockledge Drive, Bethesda, Maryland 20817 is considered to be the “headquarters” of HMSHost Corporation and has been considered to be the “headquarters” since the relocation from 6600 Rockledge Drive, Bethesda, Maryland 20817 of HMSHost Corporation in 2007.

11. Plaintiff alleges damages of “more than \$250,000.00 but less than \$1,000,000.00” (Petition ¶ 7).

12. Accordingly, diversity jurisdiction with this Court exists, pursuant to 28 U.S.C. § 1332.

**VENUE**

13. Pursuant to 28 U.S.C. § 1441(a), Defendants have removed this action “to the district court of the United States for the district and division embracing the place where [the State court] action is pending.” Venue with the United States District Court for the Northern District of Texas is proper.

**FILING OF REMOVAL PAPERS**

14. Removal is proper under 28 U.S.C. § 1446 because this notice has been filed within thirty (30) days after receipt of the initial pleadings by Defendants.

15. Written notice of this removal has been provided simultaneously to Plaintiff and to the 95th Judicial District Court of Dallas County, Texas pursuant to 28 U.S.C. § 1446(b).

16. By filing this Notice of Removal, Defendants do not waive any right to assert any defense with this Court, including for lack of personal jurisdiction over Defendants.

DATED this 19th day of August, 2021.

Respectfully Submitted,

/s/ Timothy U. Stanford

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**ATTORNEYS FOR DEFENDANTS  
HMS HOST FOUNDATIONS, INC.,  
HMS HOST FAMILY RESTAURANTS, INC., and  
HMS CORPORATION**